

**REMARKS**

Reconsideration is respectfully requested in light of the foregoing Amendments and the Remarks that follow.

Claims 1-29 and 31-35 are pending in the application, with claims 1, 17, and 29 being the independent claims. Claim 30 is canceled. Claims 1-4, 17-29, and 31-35 are currently amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

**Information Disclosure Statement**

Applicant respectfully submits, filed concurrently herewith, an Information Disclosure Statement (IDS) which includes all of the references of which the applicant is currently aware, including: i) the cited references from the above cross-referenced patent applications, and ii) the office actions, including the detailed actions, from the above cross-referenced patent applications. While applicant does not stipulate that the submission of the actions is required by the Office (See MPEP 2001.06(b)), applicant respectfully provides the actions in order to expedite the examination of the present application, and to facilitate an efficient exchange of information with the Office.

**Substitute Declaration and Power of Attorney**

Applicant respectfully submits a Substitute Declaration and Power of Attorney executed by the sole inventor. This substitute declaration is entered to clarify any ambiguity in the originally filed declaration, and to ensure effectiveness in light of the current amendments. If the Office has any concerns or comments with regard to this document, the Office is invited to telephone the undersigned at the number provided.

**Amendments to the Drawings**

The Office Action presents six (6) paragraphs of objections to the drawings, all of which are addressed in the amendments above, and described with specificity below:

In ¶ 1, the Office Action objected to the designation of two elements with “800”. Furthermore, in ¶ 2, the Office Action objected to the description in the specification of element 814, referring to two different components. Applicants have amended the figure to renumber the small sub-element from 800 to 834. Applicants have also amended the specification at page 25, line 1, so that the SuperI/O chip is designated at element 834. These changes are believed to introduce no new matter, and their entry is respectfully requested.

In ¶ 3, the Office Action objected to element 816 because the number was used to twice to designate two different components. Applicants have amended the figure to renumber the element 816 on the left side of the figure to 815. Applicants have also amended the specification at page 22, lines 14-15, so that both boxes indicating the 2MB of SGRAM refer to element 815. These changes are believed to introduce no new matter, and their entry is respectfully requested.

In ¶ 4, the Office Action objected to element 1075 (used twice) in Fig. 9, as they are not described in the specification. Applicant has amended the figure to remove both references to element 1075. These changes are believed to introduce no new matter, and their entry is respectfully requested.

In ¶ 5, the Office Action objected to the description of Fig. 8, as the specification stated that element 830 was contained within element 820, and the figure did not support the containment. Applicant has amended the specification to replace the reference to PIIX4 820 with baseboard 800. This change is believed to introduce no new matter, and its entry is respectfully requested.

In ¶ 6, the Office Action objected to Figs. 12(b), 12(c), and 12(d), as they should be designated by a legend of –Prior Art—. Applicant has amended these figures to include this legend. These changes are believed to introduce no new matter, and their entry is respectfully requested.

With the entry of these amendments, applicant respectfully submits that all of the objections to the drawings have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider these objections and that they be withdrawn.

#### **Amendments to the Specification**

The Office Action presents five (5) objections to the specification, which are either addressed in the amendments above or traversed below:

In ¶ 7, the Office Action objects to the format of the specification for not conforming to the current version of 37 CFR § 1.77(b). Applicant traverses the objection and respectfully submits that the application was filed on October 28, 1999, prior to the changes to the current version of the rule were in effect. When the application was filed, the use of line numbering conformed to the rule. Applicant respectfully submits that the present arrangement should be accepted by the Office, and respectfully requests that this objection be withdrawn.

Applicant respectfully provides correction to the priority and cross-reference to related applications which is in accord with the IDS filed concurrently herewith.

In ¶ 9, the Office Action presents four objections to the specification, each of which is accommodated by the amendments above. Specifically, applicants have amended the specification such that a) “motherboard” and “baseboard” are equivalent determinations for the embodiments described therein; b) the “fraud protection means” is consistently indicated as element 560; c) the “verification means” is consistently indicated as element 580; and d) element 1022 is removed from

the list of AD0-AD6. These changes are believed to introduce no new matter, and their entry is respectfully requested.

With the entry of these amendments, applicant respectfully submits that all of the objections to the specification have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider these objections and that they be withdrawn.

### **Objections to the Claims**

At ¶ 10, the Office Action objected to claims 26, 27, and 32 for informalities. The above-entered amendments address, *inter alia*, these informalities. Specifically, the amendments to claim 26 correct the reading of the claim in accordance with the understanding afforded by the Examiner.

Claim 27 was objected to for being dependent from claim 26. With entry of the above amendment to claim 26, it is in proper form.

Claim 32 was objected to for the use of “third” in its prior form. Applicant respectfully submits that with entry of the above amendments, claim 32 is now in proper form, and in accordance with the understanding afforded by the Examiner.

With the entry of these claim amendments, applicant respectfully submits that all of the claim objections have been properly accommodated or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider these objections and that they be withdrawn.

### **Rejection under 35 U.S.C. §103(a)**

The Office Action presents obviousness rejections in seven (7) distinct combinations. They are as follows:

- A. Claims 1-4, 6-10, 17-23 and 29 are rejected under 35 USC § 103(a) as being unpatentable over US Patent No. 5,136,643 to Fischer (hereinafter “Fischer”) in view of US Patent No. 6,442,691 B1 to Blandford.
- B. Claim 5 is rejected under 35 USC § 103(a) as being unpatentable over Fischer in view of Blandford and further in view of US Patent No. 6,047,282 to Wilson et al. (hereinafter “Wilson”).
- C. Claims 11, 13-16 are rejected under 35 USC § 103(a) as being unpatentable over Fischer in view of Blandford in view of US Patent No. 5,422, 953 to Fischer (hereinafter “Fischer ‘953”).
- D. Claim 12 is rejected under 35 USC § 103(a) as being unpatentable over Fischer in view of Blandford in view of Fischer ‘953 and further in view of UK Patent Application No. GB 2,323,455 to Fiore.
- E. Claims 24-26 are rejected under 35 USC § 103(a) as being unpatentable over Fischer in view of Blandford, and further in view of US Patent No. 6,356,937 B1 to Montville et al. (hereinafter “Montville”), and further in view of US Patent No. 6,449,255 B1 to Waclawsky.
- F. Claim 27 is rejected under 35 USC § 103(a) as being unpatentable over Fischer in view of Blandford in view of Montville in view of Waclawsky and further view of *Simple Network Time Protocol (SNTP) Version 4 for IPv4, IPv6, and OSI* to Mills (hereinafter “Mills”).
- G. Claims 28, and 30-35 are rejected under 35 USC § 103(a) as being unpatentable over Fischer in view of Blandford, and further in view of Montville.

Applicant respectfully submits that these rejections have been rendered moot or are accommodated by the above-entered amendments. Furthermore, as the amended claims are also

submitted to clarify the claimed invention, and not in response to the applied or cited references, applicant respectfully traverses these rejections in the follow discussion. Finally, applicant respectfully submits that the Office Action has not provided a prima facie case for obviousness in these seven combinations. The following remarks provide i) a discussion of the defects in the teachings of above-cited references, and ii) a discussion of the defects of the obviousness rejections.

At ¶ 12, the Office Action provides a rejection of claims 1-4, 6-10, 17-23, and 29 as obvious in view of the combination of Fischer and Blandford. As to independent claim 1, the Office Action asserts that Fischer teaches a personal computer system for maintaining a digital data file (col. 5, lns. 22-59), comprising a personal computer having installed therein a trusted time source (col. 3, lns. 16-28, and col. 5, lns. 25-32); means for appending the data and the time retrieved from the trusted time source to the saved file (col. 6, lns. 18-21 and 29-38 and 51-52); means for signing the saved file with the date and the time retrieved from the trusted time source appended thereto (col. 6, lns. 41-58); means for hashing the signed file to produce a digest (col. 5, lns. 55-59); means for signing the digest with a key to produce a certificate (col. 6, lns. 41-45); and means for appending the certificate to the saved file (col. 6, lns. 51-52).

The Office Action yields that Fischer does not teach a means for saving the file at a moment in time; a means for retrieving from the trusted time source a data and a time corresponding to the moment in time; and a means for saving the file with the certificate appended thereto.

The Office Action asserts that Blandford fills the gap in the alleged teachings of Fischer. Specifically, the Office Action asserts that Blandford teaches a means for saving the file at a moment in time (Fig. 18); a means for retrieving from the trusted time source a date and a time corresponding to the moment in time (col. 13, ln. 51 – col. 14, ln. 1); and a means for saving the file with the certificate appended thereto (col. 14, lns. 1-13).

The Office Action asserts that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Fischer to include these means, asserted to

be taught by Blandford, because it would allow the file to be recreated from a later modified version of the file using the trusted time and certificates appended to it (See Blandford, abstract).

Applicant respectfully submits that neither Fischer nor Blandford, alone or in combination, teach or suggest the claimed invention. Specifically, Fischer describes a system that associates time with identity, and not the content of a file. See Fischer, col. 6, ln. 62 - col. 7, ln. 27. According to Fischer, the controller of the identity has control over the clock and any content authentication processes. See Fischer, col. 5, lns. 45-49. Applicant respectfully submits that this teaching is contrary from that of the present invention, where such control over the clock would render the resulting content untrustable. Fischer is limited to where an electronic notary function serves as witness to the identity of someone presenting a document. See Fischer, col. 7, lns. 28-56. The present invention, according to the embodiments discussed therein, provides trust in the content, and operates to maintain that trust irrespective of the identity seeking a date and a time. See Specification, pg. 19, ln. 22 - pg. 20, ln. 5.

Applicant agrees with the statements in the Office Action that Fischer fails to teach the elements cited above from page 8 of the Office Action. However, Blandford does not fill the gaps in Fischer, as asserted in the Office Action, because it fails to teach at least the retrieving from a trusted time source of a date and a time corresponding to a moment in time, according to the claimed invention. Blandford appears to teach the use of an authenticated time signal, which is authenticated on the basis of the identity of the user seeking to obtain a time-stamp. See Figs. 2 and 5. As clarified with respect to Fischer, the present invention does not require authentication based on identity. See Specification, pg. 19, lns. 22-28.

Furthermore, the diary program of Blandford appears to teach away from the structure of the present invention, because it ensures that data is not time-stamped with a date different from that of the current clock by the use of a comparison of the supposed current time with the time of the most recent previous time-stamp to see that the current time is not earlier than the most recent previous

time-stamp. See Blandford, col. 13, lns. 46-65. This approach does not ensure trust in the time source, nor does it provide a teaching of the claimed invention. According to embodiments of the present invention, the trusted time source operates independently of the system clock, not supplanting, or checking the time from it, as taught in Blandford.

Another limitation of Blandford, which illustrates the scope of its teachings, is its need for the whole diary to be implemented as one file (or database file) otherwise the subsequent insertion codes would not have the requisite relationship to the original entry. See Blandford, col. 5, ln. 44-65. The trusted time source of the claimed invention, according the embodiments of the present invention, provides a certifiable time to one or more digital data files which may then be transmitted to other systems, where their trust may be verified. See, for example, the Specification at page 20, lns. 6-12.

In addition, Blandford neither teaches nor suggests the saving of the file with the certificate appended thereto, according to the claimed invention. Blandford appears to teach the hashing of a diary entry such that the entry can not be altered. Blandford appears to also teach the use of insertion codes that include date and time information, which can be appended or otherwise saved in relation to the entry, and give the appearance of updating the entry when the entry and any related insertion codes are read into a diary entry viewer. See Blandford, col. 2, lns. 23-29; and col. 10, ln. 55 – col. 11, ln. 15.

For at least the deficiencies in the teachings of the above-described cited references, applicant respectfully submits that the Office Action has not established a prima facie case for obviousness. Furthermore, applicant respectfully submits that the combination of Fischer and Blandford is without i) a suggestion to combine or modify the references, or ii) the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art.



At page 9, the Office Action states that “it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fischer by the teachings of Blandford because ... [it] would allow the file to be recreated from a later modified version of the file using the trusted time and certificates appended to it.”

Applicant respectfully submits that the provided incentive to combine the teachings of the cited references is merely a solution provided by the various insertion codes provided to later entered diary entries in Blandford. See Blandford, abstract. Thus, Blandford does not appear to be analogous to the present invention, as Blandford pulls date and time information without regard to the teachings of a trusted time source, and the limitations provided by this use. Since the Office Action does not provide a suggestion to combine or modify the references, it consequently does not provide evidence that the combination or modification would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art.

For at least the above reasons, applicant respectfully submits that claims 1-29 and 31-35 are believed to be patentable over the applied combinations. Furthermore, while only independent claim 1 has been specifically discussed, the other independent claims, as well as the claims depending from the independent claims are believed to be allowable for at least the reasons described above, and further in view of their own respective features. Withdrawal of the rejection is respectfully requested.

With respect to the rejection of the claims with the further sub-combinations, listed as B-G above, applicant respectfully traverses these rejections in light of i) the current amendments to the claims; ii) the above-stated distinctions between the claimed invention and the principle combination of Fischer and Blandford, and iii) the deficiencies in the principle combination of Fischer and Blandford. Withdrawal of these rejections is respectfully requested.

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner

reconsider all currently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

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Respectfully submitted,

By

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